

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 73909

Barbara Zink-Frederick  
34 East Main Street  
P. O. Box 483  
New Freedom, PA 17349

21618 Parker Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 12, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-2-404; Baltimore County Zoning Regulations (BCZR) section 428, failure to repair structure, failure to cease the outside storage of unlicensed motor vehicle on residential property zoned RC2 known as 21618 Parker Road, 21053.

On April 14, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Barbara Zink-Frederick, Respondent and Mark Gawel, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 10, 2010 for removal of untagged/inoperative motor vehicles, license/remove untagged recreation vehicle, raze or repair house – roof, rotted wood, flaking paint, broken windows, remove dumpster, remove trash, repair chimney and exterior structure, board and secure. This Citation was issued on April 14, 2010.

B. Inspector Mark Gawel testified that this single-family residence is in very bad condition. Photographs show the front door is boarded. Much of the rear is covered with ivy, but photographs show windows without glass, and show that portions of the roof have caved in. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces “in good repair and in a structurally sound condition.” BCC Section 35-5-302. The house needs immediate work to make it secure from human or animal encroachment.

C. Photographs show a recreational vehicle parked on the property, with no tags. County zoning regulations allow the outside storage of one recreational vehicle on a residential lot, but require that the vehicle have a current license. BCZR Section 415A.1.

D. Photographs show a blue Ford car with expired tags. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

E. Respondent Barbara Zink-Frederick testified that she and her husband have divorced, but they owned the house for 25 years and the mortgage is paid off. She has been unemployed for 18 months and is living temporarily with her daughter because of health problems. A pipe broke in the house and there are mold problems. The trailer belongs to a relative in North Carolina. She accepted referrals to the Department of Aging, the Office of Community Conservation, and the Office of Workforce Development.

F. Because compliance is the goal of code enforcement, and Respondent appeared for this Hearing and wishes to correct the violations, the civil penalty will be rescinded if the violations are corrected. However, if the violations are not corrected, the County will be authorized to remove the vehicles and board the property as needed, at Respondent’s expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED by \$400.00 (four hundred dollars) if the recreational vehicle and the Ford sedan are either tagged or removed from the property AND all open doors and windows are boarded or secured by June 21, 2010.

IT IS FURTHER ORDERED that after June 21, 2010, the County may enter the property for the purpose of removing all untagged or inoperative recreational vehicles and motor vehicles, and for the purpose of boarding and securing all open doors and windows, at the property owner's expense.

IT IS FURTHER ORDERED that the civil penalty will be REDUCED by \$600.00 (six hundred dollars) if a razing permit is obtained OR if needed exterior repairs are made, by July 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21<sup>st</sup> day of May 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.